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EXAMINER

LAM, HUNG H

ART UNIT PAPER NUMBER

2615

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/989,867

Applicant(s)

TAKAHASHI, KAZUHIRO

Examiner

Hung H. Lam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. Figure 12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 15 recites the limitation "detected photographing position " in line 10, page 24 of the second paragraph on claim 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9,11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Caziez (US-6,657,661).

Regarding claim 1, Cazier discloses an image pickup apparatus which comprises: image pickup means (photo sensor array, Fig. 2); recording means (106, Fig. 1) for recording an image file containing image data on a recording medium (image storage 204, Fig. 2) according to a file system (col. 1, line 55-61) having a plurality of directories comprising attributes correlating to photographing positions of image data (col. 2, lines 16-20; lines 37-42); position detection means (205, Fig. 2) for detecting a photographing position of a first image data obtained by said image pickup means (col. 2, lines 5-26); and control means (processor, Fig. 2) for controlling said

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recording means (processor is used to control the storage 204 in Fig. 2) so as to record the image file containing said first image data (col. 2, lines 50-55) on the directory of the attribute (col. 2, lines 27-30) corresponding to the photographing position (Waimea Canyon, Beach, Inland, col. 2, lines 40-43) detected by said position detection means (206) from among said plurality of directories (col. 2, lines 33-34; col. 3, lines 1-65).

Regarding claim 2, Cazier discloses an apparatus wherein said control means (processor, Fig. 2) controls said recording means (processor is used to control the storage 204 in Fig. 2) so as to record the image file containing said first image data (as shown in "Hawaii/Kauai/ WaimeaCanyon01.jpg", numbers are added into file name if more images are recorded in the same location, col. 2 lines 35-50) on the directory ("Hawaii/Kauai/", col. 2 line 35-55) of the attribute (col. 2, lines 27-30) having high correlation with the photographing position (Kauai of Hawaii, col. 2, line 35-55) detected by said photographing position detection means (206) among said plurality of directories (col. 2, line 33; col. 3, lines 1-5).

Regarding claim 3, Cazier discloses an apparatus wherein said control means (processor, Fig. 2) forms a directory (new directory are formed as shown "Hawaii/Maui" "Hawaii/Kauai", col. 2, line 31-34) corresponding to said detected photographing position when there exists no directory corresponding to the photographing position (Photographer moves within different location in Hawaii. Sub directory, "Maui" is formed first. The un-existent sub directory, "Kauai" is formed second as the

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photographer moves to different areas, col. 2, line 37) detected by the photographing position detection means among said plurality of directories (col. 2, line 33), and controls said recording means so as to record the image file containing said first image (see images files on "Hawaii/Kauai/Waimea Canyon.jpg", col. 2, line 37) data on the formed directory ("Hawaii/Kauai", col. 2, line 37; see also col. 3, lines 1-36).

Regarding claim 4, Cazier discloses an apparatus wherein said control means (processor, Fig. 2) controls said recording means (the storage 204 in Fig. 2) so as to form the directory (new directory are formed as shown "Hawaii/Kauai", col. 2, line 37) corresponding to the detected photographing position (Photographer moves within Hawaii from Maui to Kauai therefore, new sub directory "Kauai" is formed, col. 2, line 33) according to that said detected photographing position has changed from a predetermined position (from a distance between Maui to Kauai, col. 2, lines 5-27 and 37-42) by more than a predetermined amount (GPS database has a set of name correspond to the range between township, section, city and state, col. 2, lines 5-27; see col. 3, lines 1-36).

Regarding claim 5, Cazier discloses an apparatus wherein the predetermined position (col. 2, line 40-43) is a photographing position (Kauai, col. 2, line 40-43) of a second image data (Beach.jpg; col. 2, lines 40-43) photographed by said image pickup means (photo sensor array, Fig. 2) immediately before said first image data (image files are added immediate after one another to "Hawaii/Kauai"; col. 2, lines 40-43).

Regarding claim 6, Cazier further discloses an apparatus comprises a display unit (214, Fig. 2), wherein said control means (processor, Fig. 2) display information indicating attribute (col. 2, lines 27-30) of said plurality of directories(col. 3, lines 61-65) on said display unit(214).

Regarding claim 7, Cazier discloses an image pickup apparatus which comprises image pickup means (sensor array, Fig. 2); recording means storage (106, Fig. 1) for allotting image data to a plurality of groups (col. 2, lines 33-35) having different kinds of attribute items (level of state, city, name of location; col. 2, lines 33-35) associated with a photographing position of the image data (col. 2, line 33-35) and recording the image data on a recording medium (image storage 204, Fig. 2) according to the allotted group (images are recorded into different sub directories as shown in Maui and Kauai; col. 2 lines 40-43); position detection means (205, Fig. 2) for detecting the photographing position (image was taken at Waimea Canyon, col. 2, line 40) of first image data ("Waimea Canyon.jpg" , col. 2, line 40)obtained by said image pickup means (photo sensor array, Fig. 2); and control means (processor, Fig. 2) for controlling said recording means(image storage 204, Fig. 2) so as to record the first image data ("Waimea Canyon.jpg" or "Waimea Canyon1.jpg" , col. 2, lines 40-50) by allotting the first image data ("Waimea Canyon.jpg" or "Waimea Canyon1.jpg")into the group ("/Kauai/", col. 2 line 43)having the attribute items (col. 2, lines 27-30) of the kinds having high correlation with the photographing position ("Hawaii/Kauai", col. 2 line

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43)detected by said position detection means (205, Fig. 2)among said plurality of groups ("Hawaii/Maui" or "Hawaii/Kauai"; col. 2 lines 38-43).

Regarding claim 8, Cazier discloses an apparatus wherein said plurality of attribute items (col. 2, lines 27-30) include at least one of latitude and a longitude (col. 2 lines 5-7).

Regarding claim 9, Cazier discloses an apparatus wherein said plurality of attribute items (col. 2, lines 27-30) include a photographing area (Different zones can be named as different directories name as shown in the example of Hawaii; col. 2, line 40).

Regarding claim 11, Cazier discloses an apparatus wherein said control means (processor, Fig. 2) controls said recording means (processor is used to control the storage 204 in Fig. 2) so as to form a new group (new directory are formed as shown "Hawaii/Kauai", col. 2, line 37) having attribute corresponding to the detected photographing position (photographer moves to Kauai; col. 2, line 37) when there exists no group (the child directory, "Kauai" does not exist when photographer was in Maui) having the attribute items (col. 2, lines 27-30) having high correlation with the detected photographing position (Kauai; col. 2, line 43) among said plurality of groups (col. 2 line 33).



Regarding claim 12, Cazier discloses an apparatus wherein said control means (processor, Fig. 2) controls said recording means (the storage 204 in Fig. 2) so as to use a predetermined kind (GPS database has a set of name correspond to the range between township, section, city and state, col. 2, lines 5-27) of attribute items as the name of said new group ("Hawaii/Kauai" group directory is used to record and allot more image files after it is formed; col. 2 line 40-43).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cazier in view of Patton et al. (US-6,408,301).

Regarding claim 10, Cazier does not expressly disclose an apparatus wherein said plurality of attribute items include a height above sea level. However, this limitation is well known in the art as taught by Patton.

In the same field of endeavor, Patton teaches an indexing camera (10) which provides automatic recorded information associated with each image (col. 3 lines 43-65; col. 4, lines 20-27). Patton further teaches that automatically recorded metadata may include GPS location, attitude, altitude and direction (col. 4, line 28-34)(it is noted that altitude shows height above sea level). In light of the teaching from Patton, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught in Cazier by storing images according to GPS locations, altitude, attitude or direction. The modification thus provides a camera user means to create various image files having attributes according to GPS information.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claim 13,14,16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Abram et al. (US-6,462,778).

Regarding claim 13, Abram et al. disclose an image pickup apparatus which comprises:

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image pickup means (ccd 120, Fig. 2);

recording means (150, Fig. 2, col. 3, lines 14-20) for allotting image data to a plurality of groups corresponding to the photographers of the image data (Dad, Mom, Son; col. 4, lines 18-22) and recording the image data on the recording medium (col. 3, lines 14-20) according to the allotted groups (Fig. 5, col. 4, lines 20-22) ;

photographer detection means (user input 540, Fig. 5; col. 4, lines 25-30; col. 5, lines 20-50) for detecting the photographer of first image data (col. 4, lines 40-50; col. 5, lines 30-50) obtained by said image pickup means (ccd 120); and

a control means (processor 140, Fig. 2; col. 3, lines 14-30) for controlling said recording means (150) so as to record the first image data to the group corresponding to the photographer detection means (col. 4, lines 41-58; col. 5, lines 25-50) among said plurality groups.

Regarding claim 14, Abram et al. disclose an apparatus wherein said control means (processor 140, Fig. 2; col. 3, lines 14-30) controls said recording means so as to allot the first image data to the group having the name of a photographer (Mom, Dad, col. 4, lines 17-22; col. 5, lines 45-50) detected by said photographer detection means (540) means among said plurality of groups (see group directories in Figs. 5, 6, 8; col. 4, lines 19-22).

Regarding claim 16, Abram et al. disclose an apparatus wherein the control means (140) controls said recording means so as to form a group corresponding to the

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detected photographer (Mom, Dad, Son, Friend are selected according to users; col. 4, line 22-40) according to that the detected photographer has changed from the photographer of second image data (user, "Mom, Dad, Son, Friend" can be selected alternatively) photographed by said image pickup means <sup>120</sup>(~~110~~) immediately before the first image data.

Regarding claim 17, Abram et al. disclose an apparatus which further comprises: a display unit (display unit 180, Fig 2; col. 3, line 27), wherein said control means (140) displays the information showing the name of the photographer (Figs. 5-6, col. 5, lines 27-60) corresponding to said plurality of groups on said display unit.

Regarding claim 18. Abram et al. disclose an image pickup apparatus which comprises:

image pickup means (ccd 120, Fig. 2);

recording means (150, Fig. 2, col. 3, lines 14-20) for recording an image file containing image data on a recording medium according to a file system having a plurality of directories (see Figs. 5,6,8) having the attributes associated with a photographing position (Fig. 8, col. 6, lines 14-55) and a photographer (Figs. 5-6, col. 4, lines 17-30);

detection means for detecting the photographing position (location determination unit 375, Fig. 3; col. 3, lines 55-65; col. 6, lines 20-56) of first image data obtained by said image pickup means (110);

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photographer detection means (user input 540, Fig. 5; col. 4, lines 25-30; col. 5, lines 18-50) for detecting the photographer of the first image data (col. 4, 40-50; col. 5, lines 30-50); and

and control means (processor 140, Fig. 2; col. 3, lines 14-17) for controlling said recording means (150; Fig. 2, col. 3, lines 14-20) so as to record the image file containing the first image data (col. 4, 40-50; col. 5, lines 30-50) on the directory of the attributes corresponding to the photographing position detected by said position detection means (375, Fig. 3; col. 3, lines 55-65; col. 6, lines 20-56) and the photographer detected by said photographer detection means (col. 4, lines 41-58; col. 5, lines 25-50) among said plurality of directories.

10. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al.

Regarding claim 15, Abram et al. disclose an apparatus wherein the control means (processor 140, Fig 2) forms a group corresponding to the detected photographing position (col. 6, lines 13-56). Abram further teaches that if user's choice does not associate with the image file, user may chose a more descriptive file name (col. 4, lines 41-45). Or if the voice recognition does not recognize the words in digital audio, the naming process may process with default process for determining a file name (col. 5, lines 29-32), but Abram et al. do not particularly disclose that a new

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photographing position group is formed when there exists no group corresponding to the photographer detected by said photographer detection means.

However, the examiner takes official notice that it is well known in the art for forming a new group of directory as a default when a certain criteria does not fulfill. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the naming convention of Abram et al. by specifically forming a new photographing position group when no photographer is found in order to continue on with the default naming procedures.

### ***Conclusion***

11. The Prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Ota (US-6,437,797) discloses image reproducing method and image data managing method.

b) Mikuni (US-6,133,947) discloses image processing system capable of displaying photographed image in combination with relevant map image.

c) Wasula et al. (US-2002/0,054,224) disclose customizing digital image transfer.

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e) Steinberg (US-5,862,218) discloses method and apparatus for in camera image making and authentication.

f) Clapper (US-6,023,241) discloses digital multimedia navigation player/ recorder.

g) Moran (US-6,539,380) discloses device, system and method for data access control


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung H. Lam whose telephone number is 703-305-8143. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary's, NGOC YEN VU can be reached on 703-305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HL

Nov. 12, 2004

  
NGOC YEN VU  
PRIMARY EXAMINER